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11 \*Attorney for Petitioner Jack Leal

12 UNITED STATES DISTRICT COURT  
13 DISTRICT OF NEVADA

14 Jack Leal,

15 Plaintiff,

16 v.

17 Nevada Department of Corrections, *et al.*,

18 Defendants.

GMN

Case No. 2:21-cv-01965-~~GWN~~-VCF

**Unopposed motion to extend  
deadline to file proof of service**

19 Petitioner Jack Leal respectfully moves this Court for an extension of time of  
20 fourteen (14) days to file the proof of service required by this Court in its April 10,  
21 2023, Notice of Intent to Dismiss. (ECF No. 50). Counsel for Defendants does not  
22 oppose the request. In support of his motion, Mr. Leal represents as follows:  
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1 Counsel for Mr. Leal files the present motion in good faith. Mr. Leal initiated  
2 the current matter by filing a Complaint on or about October 25, 2021. ECF No. 1.  
3 This Court appointed counsel for Mr. Leal on January 30, 2023. ECF No. 45.  
4 Undersigned counsel entered his appearance on February 16, 2023. ECF No. 47. On  
5 April 10, 2023, this Court entered a Notice Regarding Intention to Dismiss as to  
6 three parties, Scott Mattinson, T. Agustin, and H. Landsman, unless proof of service  
7 was filed with the clerk by May 10, 2023. ECF No. 50. As described below,  
8 undersigned counsel needs additional time to attempt to effect service upon  
9 Defendant Landsman.

10 While attempting to ascertain the whereabouts of each above-referenced  
11 individual, counsel discovered that Defendant Scott Mattinson has passed away.  
12 Counsel, however, was able to locate the remaining two individuals and prepared  
13 summonses. Counsel's investigator attempted to serve them on May 7, 2023. *See*  
14 ECF Nos. 53, 54. The attempt was successful as to Defendant Agustin, but  
15 unsuccessful as to Landsman who the investigator was not able to find at his  
16 purported place of residence. Counsel's investigator has determined that he will try  
17 to serve Mr. Landsman once more on Thursday May 11, 2023. Should he be  
18 unsuccessful, Plaintiff's counsel will retain a process server. Counsel requests the  
19 present extension in the event he has to go the latter route, which would require  
20 additional time to complete the necessary expenditure forms and complete service.

21 On May 10, 2023, undersigned counsel attempted to reach out to opposing  
22 counsel Taylor Rivich to see if Defendants would stipulate to an extension of time as  
23 provided herein. Counsel was informed by an employee with the Office of the  
24 Attorney General that Mr. Rivich is no longer with that office. Counsel then spoke  
25 to Chief Deputy Attorney General D. Randall Gilmer. Mr. Gilmer represented that  
26 Defendants do not oppose the request made to this Court as it pertains to extending  
27 the deadline to serve Defendant Landsman.

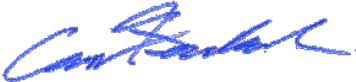
1 This motion is not filed for the purposes of delay, but in the interests of justice,  
2 as well as in the interest of Mr. Leal. As noted above, counsel was able to effect service  
3 upon Defendant Agustin and will file the proof of service on May 11, 2023, irrespective  
4 of whether his investigator is able to serve Defendant Landsman. In addition, Mr.  
5 Leal will move to voluntarily dismiss his complaint against Defendant Mattinson  
6 who, as noted above, is deceased. Counsel for Mr. Leal respectfully requests this  
7 Court extend the deadline to file a proof of service by fourteen (14) days or until May  
8 24, 2023, so that he may re-attempt service on Defendant Landsman.

9  
10 Dated May 10, 2023.

11  
12 Rene L. Valladares  
13 Federal Public Defender

14 /s/ Martin L. Novillo  
15 Martin L. Novillo  
16 Assistant Federal Public Defender  
17 Attorney for Plaintiff

18 IT IS SO ORDERED.

19 

20 Cam Ferenbach  
21 United States Magistrate Judge

22 5-11-2023

23 DATED \_\_\_\_\_  
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